

**REMARKS**

Claims 21 and 23-52 are pending on this application. Claims 21, 42, and 49 have been amended. No new matter has been added.

Claims 21, 23-31, 33-38 and 40-48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over “Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2” (“MQSeries”). Claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of U.S. Patent No. 5,995,921 to Richards *et al.* (“Richards”). Claims 39 and 49-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of U.S. Patent No. 5,544,347 to Yanai *et al.* (“Yanai”).

**Rejection of Claims 21, 23-31, 33-38 and 40-48 under 35 U.S.C. § 103(a)**

Claims 21, 23-31, 33-38, and 40-48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries. This rejection is respectfully traversed and reconsideration is requested. MQSeries fails to disclose each and every element of amended independent claims 21 and 42.

MQSeries fails to teach “at least one first logical router for determining whether the electronic message or request is simple or complex and routing the electronic message or request based upon that determination,” as recited in amended claim 21 and similarly recited in claim 42. The Decision on Appeal likened MQSeries’s “batch” messages to complex messages and “non-batch” or “immediate” messages to simple messages. However, neither the Examiner nor the Decision on Appeal establish how MQSeries routes a message based upon whether it is batch or non-batch (immediate). In fact, although MQSeries handles the batch and non-batch messages with a different priority, MQSeries routes those messages to the same place. It is because the messages are routed to the same location that MQSeries must address the priority handling of the immediate inquiries before the batch inquiries. “The user interface process selects between immediate and batch processing by specifying a different reply-to queue in the inquiry message. It also sends the inquiry messages with different priorities to make sure immediate inquiries are processed ahead of batch inquiries.” MQSeries, page 33.

Furthermore, MQSeries discloses that it does not route the batch and non-batch messages differently. On page 4, the Decision on Appeal recites the Examiner’s assertion that “MVB2

teaches capability for determining simple and complex messages.” However, MQSeries clearly states, “The background processes (MVB2-5) are not aware of the difference between immediate and batch processing.” MQSeries, page 33. Because MVB2 is not aware of the difference between immediate and batch processing, it cannot be a “logical router for determining whether the electronic message or request is simple or complex and routing the electronic message or request based upon that determination,” as recited in claim 21 and similarly recited in claim 42. Therefore, MQSeries fails to disclose each and every element of independent claims 21 and 42.

Accordingly, because the cited reference does not disclose all of the elements of independent claims 21 and 42, the Office has failed to establish the required *prima facie* case of unpatentability. Similarly, the Office has failed to establish a *prima facie* case of unpatentability for claims 23-31, 33-38, 40-41, and 43-48 depending on claims 21 and 42 and which recite further specific elements that have no reasonable correspondence to the references. Accordingly, the undersigned representative respectfully requests that the Office withdraw the rejection of claims 21, 23-31, 33-38, and 40-48.

**Rejection of Claim 32 under 35 U.S.C. § 103(a)**

Claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of Richards. This rejection is respectfully traversed. Claim 32 is dependent upon claim 21, which is submitted to be allowable in view of MQSeries for the reasons set forth above. Accordingly, claim 32 should be allowable under MQSeries for these reasons as well. Further arguments are reserved with respect to dependent claim 32. Richards does not cure the deficiencies of MQSeries. Because Richards does not teach or suggest the deficiencies of MQSeries, claim 32 is not obvious in view of the cited references and should therefore be allowed. Therefore, the undersigned representative respectfully requests that the Office withdraw the rejection of claim 32.

**Rejection of Claims 39 and 49-52 under 35 U.S.C. § 103(a)**

Claims 39 and 49-52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of Yanai. This rejection is respectfully traversed.

Claim 39 is dependent upon claim 21, which is submitted to be allowable in view of MQSeries for the reasons set forth above. Yanai fails to cure the deficiencies of MQSeries. Therefore, MQSeries and Yanai, alone or in combination, do not teach or suggest the elements of claim 21 of the present application. Further arguments are reserved with respect to dependent claim 39. Because Yanai does not teach or suggest the deficiencies of MQSeries, claim 39 is not obvious in view of the cited references and should therefore be allowed.

With regard to claim 49, MQSeries fails to teach “at least one first logical router for determining whether the electronic message or request is simple or complex and routing the electronic message or request based upon that determination,” as discussed above with respect to claims 21 and 42. Yanai fails to cure the deficiencies of MQSeries. The Examiner relies on Yanai only for “data mirroring.” Indeed, Yanai is directed to maintaining a copy of a data storage disk and fails to teach routing different types of messages. Therefore, MQSeries and Yanai, alone or in combination, do not teach or suggest the elements of claim 49 of the present application.

Accordingly, because the cited reference does not disclose all of the elements of independent claim 49, the Examiner has failed to establish the required *prima facie* case of unpatentability. Similarly, the Examiner has failed to establish a *prima facie* case of unpatentability for claims 50-52 depending on claim 49 and which recite further specific elements that have no reasonable correspondence to the references. Accordingly, the undersigned representative respectfully requests that the Office withdraw the rejection of claims 49-52.

**CONCLUSION**

The undersigned representative respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned representative, in person or over the telephone, we welcome the opportunity to do so. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account 50-4402.

Respectfully submitted,

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